

DATE: MARCH 6, 2023

TIME: 9:54 A.M.

STATEMENT OF JEFFERY RACER

THIS IS DETECTIVE PILE. WE'RE CURRENTLY AT KANAWHA COUNTY SHERIFF'S OFFICE HEADQUARTERS, AND I'M SPEAKING WITH DEPUTY RACER.

Q: Mr. Racer, just for the record, will you state your complete name?

A: Jeffery Scott Racer Junior.

Q: Ok. So, Deputy Racer, before we get started, I'll go over the internal affairs notification of rights form. So, at the beginning of this form, it...it has me to put the potential charges, I guess, which, by charges it would mean policy violations.

A: Ok.

Q: So, under rules of conduct...rules of conduct 17-10 of the Cabell County Sheriff's Office policy, what I've determined so far, would be obedience to laws, which would basically be the obedience to state laws, federal laws.

A: Ok.

Q: Which, you know, may or may not apply. But...and then there's also operating a department vehicle responsibly, use of a department vehicle to transport unauthorized person. So, you are required to answer all questions truthfully.

A: Ok.

Q: You are required to cooperate in this investigation and answer all inquiries truthfully. If you refuse, you will be ordered to do so, and additional charges can result. Nothing you say can be used against you in a criminal proceeding. You do have the right to remain silent... Or you do not have the right to remain silent. I'm sorry.

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Q: You are entitled to have an attorney present. You have been given ample time to consult with an attorney. This line of questioning is due to an internal administrative investigation for department use only. And, I guess, to clarify, I'm with the Kanawha County Sheriff's Office. We were asked to conduct this internal investigation for Cabell County Sheriff's Office. And you were adequately notified of that, right?

A: Yes, ma'am.

Q: Both, by your department and then I sent you the letter telling you that we were doing the internal affairs, and that you had agreed to come in on today, March 6th at 9:30 a.m..

A: Yes, ma'am.

Q: Ok. So, next to each of those, initial them...

A: Ok.

Q: ...and then sign at the bottom. Ok, so you're good with all that?

A: Yes, ma'am.

Q: Ok. So, the purpose of this internal affairs investigation is to investigate the matter of a motor vehicle accident, during which a pedestrian was struck and killed.

A: Uh-huh.

Q: So, before we get into that, I just need to cover a few things, just basic things with you. So, I know it's Jeffery...J-e-f-f-e-r-y?

A: Yes, ma'am.

Q: And your middle name?

A: Scott.

Q: That's my dad's name, Jeffery Scott. And your last name.

A: Racer. And I'm a Junior.

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Q: And you are a junior. Ok. And our birthdate.

A: [REDACTED]

Q: Your address.

A: [REDACTED], and it's in Milton, West Virginia
25541.

Q: 25541. A phone number for ya'.

A: (681)...

Q: Uh-huh.

A: ...294-[REDACTED] That's my cell/department. I don't have an actual
personal phone.

Q: Ok. So, where are you currently employed?

A: Cabell County Sheriff's Office.

Q: Ok. How long have you been employed there?

A: May will be three years, so...

Q: Three years in May.

A: Yes, ma'am.

Q: What is your current rank?

A: Deputy.

Q: Ok. So, three years in May. Did you go to the academy three years
ago in May or...

A: I went to the academy in... When did I go? September, I believe.

Q: September of 20...

A: 20.

Q: ...20.

A: Yes, ma'am.

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Q: Ok. That's when you attended the academy.

A: Yes, ma'am.

Q: What's your current assignment?

A: Right now, I'm assigned to dayshift road patrol.

Q: Is there a certain area that pertains to...

A: No, ma'am. No, we don't have zones. We're just...

Q: Ok. Ok. So, how often do you rotate from day to night?

A: I was...I did two years on midnights and then I requested to go to days and then...

Q: Ok.

A: ...so I'll...stayed on days until either I get shoved somewhere else or I request to go somewhere else.

Q: Ok. At the time of this motor vehicle accident, were you on dayshift then?

A: Yes, ma'am.

Q: Ok. Do you remember when you went to dayshift?

A: I wanna' say it was April 2022.

Q: Ok. April 2022. Ok. Do you recall the date of the motor vehicle accident in question?

A: It was December 30th.

Q: Ok. On December 30th, 2022, were you on duty with Cabell County Sheriff's Office?

A: ...(inaudible)...that day... That was a...

Q: I'll tell you what day of the week that was. I don't know. December 30th was a Friday.

A: Yes, ma'am, I was working.

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Q: So, you had a dayshift on Friday?

A: Yes, ma'am.

Q: Which means you worked what hours?

A: Six a.m. to four p.m..

Q: Six a.m. to four p.m..

A: Yes, ma'am.

Q: Ok. So, once you got off duty, do you remember where you went?

A: I went and...so, I was staying at my nephew house in Culloden.

Q: Uh-huh.

A: So, I parked my cruiser there.

Q: Ok.

A: And then my son, he had a wrestling tournament in Greenup, Kentucky, so I drove my personal vehicle to Greenup, Kentucky to watch his wrestling tournament.

Q: Ok. What time would you say you came back from Greenup, Kentucky?

A: It was later that evening. I mean I remember taking a photo of my son on my cell phone. So, I mean I could tell you a rough time, but I really don't... It couldn't have been too late because... I know it was before nine because I went and ate dinner afterwards.

Q: Ok. Do you remember where you ate?

A: It was at the Tequila Grill on Route 60 in Huntington.

Q: Ok.

A: But there was a lot of stuff that happened before that.

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Q: Before that?

A: So, after we left the...the tournament in Greenup, I drove and...cause me and my wife had split...

Q: What do you mean by split?

A: We were separated but...

Q: Ok.

A: ...not fully divorced.

Q: Ok.

A: And this female that I was talking to, I was gonna' stay at her house that night. She lived in Proctorville, Ohio. So, on the way back through Greenup, Kentucky, I went and picked her up, because my cruiser was in Culloden. And I said, hey, I've gotta' work at six in the morning, Saturday, will you...if I pick you up will you drive my vehicle back to your house so I can drive my cruiser back to your house cause I've gotta' work in the morning. So, we go to Culloden. I get in my cruiser, she gets in my vehicle, and we come back to Huntington, towards Huntington. And then I call her. I'm like, hey, I'm hungry. Do you wanna' get something to eat? So, she's like, yeah. So, we get off the 20th street exit, go back to...go back east on Route 60 and then go to the Tequila Grill that's just east of the interstate exit. We eat there. We leave there and we go park my vehicle at... Cause I was...where me and my wife had separated, I was supposed to get into a townhome at ...(inaudible)...Gardens, behind the Wal-Mart on...in Huntington.

Q: Ok.

A: So...and I'd already got the key to it. Already got the Ok to put my stuff there. So, I was like so instead of me having to... Cause I was living at my nephew's house in Culloden.

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Q: Uh-huh.

A: So, I told her, I was like, so instead of me going back and forth to Culloden and dropping my cruiser, getting my personal vehicle, will you...will you drive me personal vehicle? We'll leave it at the apartment complex. That way when I get off work, I don't have to go so far to get my personal vehicle. So, after we ate, I drove my cruiser to the apartment complex. She drove my vehicle to the apartment complex. We left the...my vehicle there. She got in my cruiser, and then we left and took Norway to the intersection of Norway...and I believe that Avondale. Turned onto Avondale, went to the intersection Avondale and Washington Boulevard. Hit Washington Boulevard all the way down to Route 60 and Washington, to where the Burger King is, and then when we turned left we... I noticed that my gas tank was at sixteen miles to empty.

Q: Uh-huh.

A: And by then, it was like ten-thirty at night. We done ate. I had to...

Q: Ok.

A: ...work at six in the morning. And the sheriff's office was going through a change of fuel cards, so we no longer had like fuel cards to go to any other gas station. We had to go to the TTA gas station, which is on the west end of Huntington. So, when I come across the 31st Street Bridge, I was like, hey, I need fuel, because I don't want to start my shift at six in the morning and something happen on the opposite end of the county. So, I'm gonna' go get gas now...

Q: Uh-huh.

A: ...and then we'll just go. Because when you go across the 31st...31st Street Bridge, you can turn right to Proctorville, where she lived, at the intersection of 5th Ave---...5th Avenue and 31st Street.

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Q: Uh-huh.

A: But the way I go to get fuel, I went all the way down to 3rd and drive all the way to 3rd Avenue, all the way to Veteran's Memorial Boulevard, and then all the way to the west end. So, when we were coming across the 31st Street Bridge, I was like, hey, I'm gonna' go get fuel now so I don't have to get it in the morning. She said, Ok, that's cool. So, when I come across the inter--...the...the 31st Street Bridge, we come to the intersection at the green light and that's when the accident happened.

Q: Ok. So, the...just to make sure I'm following, the goal was to get your cruiser to her house.

A: Right, because I was staying there that night.

Q: Ok. Ok.

A: Cause I had to work the next morning.

Q: What is her address? Do you know it?

A: 148 Elizabeth Street in Proctorville.

Q: And this is Proctorville, Ohio?

A: Yes, ma'am.

Q: Ok.

A: And the quickest way is just go over the Proc--...Proctorville Bridge and then it's like literally not even a quarter of a mile from...

Q: Ok. Ok. And what is this female's name?

A: Hannah.

Q: H-a...

A: ...n-n-a-h.

Q: And her last name?

A: Giamarino.

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Q: Can you spell that for me?

A: G-i-a-m-a-r-i-n-o.

Q: Ok.

A: There's two m's. Sorry. G-a...G-i-a-m-m...

Q: Ok.

A: ...a-r-i-n-o. There we go.

Q: Do you happen to know her phone number?

A: I do not. She is currently blocked.

Q: Ok. So, you come across the 31st Street Bridge, and you have a green light. Just tell me what happens next.

A: We're just driving, and then I don't even know what we're talking about, we come through the intersection, and then out of the corner of my eye I see something. And when I...as soon as I see it, I slam on the breaks and then it's just like I hit something. Sound like I just...it's...it literally like just something ran out in front of me.

Q: Ok.

A: And when I...when I hit it, I realized that it was a person and her...her body was like on the right side of my cruiser, the passenger side. And her head hit the wind...the bottom corner of the windshield. And when I hit the brakes, the nose of the cruiser dove down, so I...she was running across, so when I hit her it like...it hit...launched her and she like went up in the air and then she landed, and we came to a stop.

Q: Ok. You mentioned she was running. Did you visibly like see that with your own eyes, that she was running? Did you have time to process that?

A: When I...so, there was two...two people ran across the road.

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Q: Ok.

A: Because I saw the one...I saw the girl behind...I saw the person, I don't know if it was a girl or a boy. I saw a person behind her.

Q: Uh-huh.

A: Because that's who I...I was looking at. I didn't even see her in front of me.

Q: Ok.

A: So, when I saw this person run, I was slamming on my brakes and...

Q: Ok.

A: ...veered to the right, and that's when I felt the hit of her.

Q: Ok. So, I understand you're driving. Where is Hannah positioned in the car?

A: She...she's in the passenger seat.

Q: Ok. So, people that you see running, are they coming from your left or your right?

A: They're coming from my left...

Q: Ok.

A: ...from across the intersection. So, they came across both southbound lanes...

Q: Uh-huh.

A: ...and then ended up northbound lane.

Q: Ok. Are they in a crosswalk area right there that you know of?

A: I know there's a crosswalk area there, but if they were in it, I'm not quite sure for sure or not.

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Q: Ok. But you know that you had a greenlight to proceed through that intersection.

A: One hundred percent.

Q: Ok. What did you do, you know, after realizing you'd hit a person? What happened next?

A: I put my, obviously, vehicle in park. I ran out. I saw her laying there, and then there was somebody standing there on the front porch was like, oh, my God, what happened? And she was like shaking. And I was like, call 911. And then I saw her friends like screaming, so I ran over there and I was like, what just... Did she...what happened? And she was like, she just ran out in the middle of the road. I'm like, why did she take off running? And they were like...they couldn't really speak cause they were in shock. So, I ran back over to the...my cruiser, and I turned my lights on, cause some guy was like saying, well, turn your lights on. Yeah. So, I ran back, turned my lights on, and then by that time, the woman that I told her to call 911, she was really freakin' out. She couldn't speak. So, I grabbed her phone. I'm like, hey, I told dispatch, I was like, hey, it's 45. It's my unit number.

Q: Uh-huh.

A: I said, get me EMS and HPD down here, that I just struck a pedestrian in my cruiser. Had to go get fuel. Cause she couldn't spit out anything. She was so distraught. So, I handed her back the phone. I turned...I didn't wanna'...I didn't do any type of aid to the female because...or the pedestrian because I was like, this is now a crime scene. I didn't wanna' try to touch it. I didn't want to tamper... I didn't... I was like... So, I just set there. I stood there, and I just...that's when HPD and EMS started rolling in.

Q: Ok. What did you do once like the first arriving officer got there?

A: I ran...I ran up to him...

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Q: Uh-huh.

A: ...and I was like, she just ran out in the middle of the road. And I was like, I don't...I didn't...I don't know why. I was like, I just had to go get fuel.

Q: Uh-huh.

A: And he was like, you're fine. What...where is she? I was like, she's over there. I was like...she was like, is she dead? I was like, I didn't know. I didn't touch her. I didn't know if I was allowed. I didn't...

Q: Uh-huh.

A: ...wanna' do anything. And he was like, Ok, go sit in my cruiser. So, we walk over...or lean against my cruiser. So, I'm like setting there, and then they're...like everybody is starting to show up. And then...

Q: Ok. Do you remember who that first officer was you spoke to?

A: What was his name? Mulvaney...Corporal Mulvaney from HPD.

Q: Do you remember speaking to some of the other associates that were with this...this girl? How many of those people were there that you...that you remember?

A: Oh, wow, I mean there was three or four kids.

Q: Ok.

A: Maybe even more. One of the girls that...she was...one of them was like flailing around on the ground, screaming and crying.

Q: Was that a female?

A: Yes, ma'am.

Q: Ok.

A: And there was a couple boys that was there.

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Q: Ok. When you say couple, do you mean two?

A: Two. I think there was one...there was one...I think he may have been mixed, and one white kid.

Q: Ok. So, there was one female flailing on the ground, and potentially a mixed male and a white male. Anybody else you remember?

A: That was like the group. So, if you're looking north, right there at that intersection where they came from, 5th Avenue, there's like a couple junk cars sitting there.

Q: Uh-huh.

A: And that's where I saw them. That's where they came from, I'm assuming, cause that's where they were all standing. And she was like on the sidewalk, the girl was flailing around. The girl was like across where she had landed and then there was some... The row of houses right there, there was some people standing out. Like the girl that I told to call 911 was standing next to my cruiser.

Q: Uh-huh.

A: The more...and then there started more being...I mean by the second, more people was piling out in the road and...

Q: So, at the...just kinda' back to the impact. So, you had time to apply your brakes before striking or...or not?

A: So, as soon as I saw that person...

Q: Uh-huh.

A: ...I...I went...I pressed the brakes.

Q: Uh-huh.

A: And like it was like as soon as I hit the brakes, it was just like...

Q: Ok.

A: ...boom.

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Q: Ok. Do you recall how fast you were going at that time?

A: No, I...no idea. I was...I mean ten-thirty at night, there was no other cars around and I was just headed to go get fuel.

Q: Do you recall what the speed limit is there?

A: It's thirty-five.

Q: So, you said you...you were...you have to get fuel at TTA. What's that stand for?

A: Oh...

Q: Is it just like that typical kinda' truck stop type...

A: It's like the Tri-State Transit... It's like the city bus type deal.

Q: Ok. Ok.

A: It's for the tri-state.

Q: Ok. Ok. Had you spoken to any of your supervisors about having Hannah in your vehicle?

A: Like before or since...

Q: About like obtaining permission to have Hannah in your vehicle.

A: I never obtained...I never asked to have permission, but it...it's...I mean I feel like... Like I...I... But, no...no, I never asked.

Q: Ok. I mean has anyone ever, either officially or unofficially, told ya' that...that having people in your vehicle was Ok, people who aren't under arrest, or people that you're not interviewing, people while you're not on duty? Maybe...maybe that's too many questions in one. But I think you know where I'm going.

A: Right.

Q: Is it...

A: Did I...did I...did I know that Hannah was allowed to be in there or not?

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Q: Right.

A: No, cause it was...it was never really a rule talked about. I know there's a lot of deputies that, you know, take their kids to school or...

Q: Right.

A: ...pick 'em up from school or... So, that's why I just...

Q: Ok. Is that...such as taking kids to school or picking them up, is that a...an approved thing to do or is it... How do you perceive that?

A: Like...

Q: Do you believe those deputies had obtained permission to do so?

A: Huh-uh.

Q: Ok. But do you know or believe that supervisors knew that it...or knew or know that that happens?

A: Yeah.

Q: Ok.

A: Well, I mean...

Q: When you were hired with Cabell County Sheriff's Office, were you given a copy of their policy and procedure?

A: Yes, ma'am.

Q: Ok. Were you required to review it?

A: We were told to review it and read it and...

Q: Ok.

A: ...I believe my actual FTO officer was required to go over it and read it thoroughly with me, but it was on my own to obviously...

Q: Ok.

A: ...dive more in depth with it.

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Q: Ok. So, this...and feel free to look at it and see, you know, if your recognize it, but this is just one section of Cabell County's administrative rules and regulations. So, this section is 17-10, which covers rules of conduct and behavior.

A: Ok.

Q: You're welcome to...to look at it. Just see if it looks familiar to ya'. It's within that where it covers obedience to laws, which would include state laws, federal laws, use of department vehicles and use of department vehicles to transport unauthorized persons. That's...those are in there, and I can...I can show you where they are.

A: Ok.

Q: Actually, one of 'em...if you wanna' go to page twelve, I believe. Is there an S in 12?

A: No, it's on 13.

Q: Go to 13. Go to S, I believe.

A: Yeah.

Q: Which one's that one?

A: Deputy sheriff's will not use their...

Q: Yeah.

A: ...assigned police vehicles for personal business or for the transportation of unauthorized persons. And a request to using assigned police vehicle for other than official business is to be directed by the sheriff or a deputy...or a chief deputy with Cabell County. For purposes of this policy, authorized persons are considered to be arrestees, detained juveniles or other person, victims, witnesses, citizen ride-a-longs that have been specifically authorized in accordance with the policy and standards of this office. And spouses or significant others that wish to accompany deputies to funerals or services of fallen law enforcement officers.

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Q: So, in reading that, how do you feel that particular part of the policy applies to your incident?

A: Well, I, obviously, violated for having someone that was not authorized in my vehicle.

Q: Ok. Let me find this other section. I didn't see it, but I'm gonna' ask you just in case I missed it, are you aware of there being any sort of policy regarding like having to be in uniform if you're in your department vehicle?

A: No.

Q: Ok. And I don't mean on duty or whatever, but...

A: Right.

Q: Such as your circumstance, did you feel that you should've been in uniform at all?

A: No, ma'am.

Q: Ok. Also, before I forget to ask, were you wearing your seatbelt?

A: Yes, ma'am.

Q: Was Hannah wearing her seatbelt?

A: Yes, ma'am.

Q: Ok. So, the other section, it's under four rules of conduct, section one...obedience to laws. It says all deputies sheriffs will conduct themselves in such a manor as to fully comply with the laws of the United States of America and the State of West Virginia. For this reason, no deputy sheriff shall knowingly and intentionally violate any criminal laws or any other laws within or outside of this jurisdiction. The standard of legal conduct is made applicable at all times to deputy sheriffs while either on duty or off duty. So, the reason that's put in here is I guess in case you were speeding. And, you know, I've been told an estimate based on their accident

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Q: reconstruction, what they think you may have been going. Have you been given that estimate?

A: There's been a couple, so I'm not... I don't know if there's a distinct number that they...

Q: Ok.

A: ...came up with or not.

Q: And I think it does kinda' depend on which formula they wanna' go by or they're using. But one estimate was like forty-nine as a median speed.

A: Ok.

Q: Is that one that you've heard?

A: That's one of 'em, yes, ma'am.

Q: Ok. And then I've also been told that when an accident reconstructionist does this, they're almost giving like a plus or minus error.

A: Ok.

Q: So, that could kinda' range anywhere from...make that change from thirty-nine to like fifty-nine.

A: Right.

Q: So, I understand that it's a...it's been a varied speed estimate. Would forty-nine sound like...does that seem like what the speed you were going or...

A: Again, I'm not...I don't wanna' say that like yeah or no...

Q: Ok.

A: ...cause, again, I honestly have no idea how...

Q: Ok.

A: ...how fast I was going.

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Q: Ok. That's the only reason that I included the obedience to laws, was just to cover the speeding aspect...

A: Ok.

Q: ...Ok? Then the other one was regarding department vehicles. Find that one. And it has to do with operating your department vehicle responsible...responsibly. You're responsible for the proper care and use of any motor vehicles assigned for use in the performance of your duties and responsibilities. Let me go specifically to the sentence that seems like it may be applicable. All vehicles will be operated in a responsible manner as to avoid injury to persons or damage to property. In no instance shall vehicles be operated in a negligent or reckless manner. You will wear a seatbelt when operating motor vehicle. Your passengers, including prisoners, should utilize seatbelts. We covered the seatbelt part. I mean did you feel that you were operating your vehicle responsibly at the time of the...of the accident?

A: Yes, ma'am.

Q: Ok. Then you don't feel that you were operating it in a negligent or reckless manner?

A: No, ma'am.

Q: Ok. Alright, so those were the...the only three potential policy violations that I saw, based on Cabell County's policy and procedure that I was provided. Are you aware of any defective equipment or any problems you were having with your vehicle at the time of the crash?

A: No, ma'am.

Q: Ok. Can you tell me what vehicle you were operating?

A: It was a...a 2018 Ford Explorer, car number 1803.

Q: Now is that on your plate or...

A: No, that's...

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Q: Ok.

A: ...the actual...it's on the back glass. I don't know what the license plate number was.

Q: Ok. And that is your typical car that you would get in for and go perform your duties?

A: No, ma'am...

Q: No?

A: ...that was a spare car...

Q: Ok.

A: ...that I'd pick up cause my actual assigned car was in the garage.

Q: Ok. Had you had it out on shift that day?

A: The 1803?

Q: Yeah.

A: Yes, ma'am.

Q: Ok. Are you aware of any policy violation, as far as you taking that cruiser to...where did you say she lives, Proctorville?

A: Proctorville.

Q: To Proctorville, Ohio?

A: No, ma'am, cause that's where I was gonna' be staying for the shift the next morning. I mean there's other deputies that live out of the state, so...

Q: Ok. Yeah, you guys are real close to the border there. Ok. Do you recall, when like the first arriving law enforcement officers got there, you identifying yourself, or did they know you?

A: No, Mulvaney didn't...I mean he knew of me. Just because I mean it's Huntington, we work... But I've never had a full...I never met him actually in person.

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Q: Ok.

A: So, I remember when he came up, he's like, who are you? And I was like, I'm...I'm Dep--...I'm Racer, because I mean I'm the only Racer there, so that's how they...

Q: Ok.

A: And they're like, Ok. And then they were like, what happened? And that's when I told him that...

Q: Ok.

A: ...what happened.

Q: Ok. Let me go back to this one. I don't know exactly where it is, but there is a part of the policy and procedure that says you're required to identify yourself. I mean you feel that you...you properly identified yourself to the initial responding law enforcement officers?

A: I mean once I told them my name they knew that I...who I was and that I worked for 'em. I mean...

Q: Ok.

A: Or, I didn't work for 'em, that I worked at the sheriff's office.

Q: Ok. At the time of the accident, did you have your firearm?

A: No, ma'am.

Q: Ok.

A: Or not on...like it was in the...in the trunk because I had taken my gun belt off and put all my gear in the trunk.

Q: It was in the trunk. Ok.

A: But like I wasn't wearing it or...

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Q: Gotcha'. Do you remember if you had your badge? Your Cabell County ID with you?

A: I know I had my Cabell County ID, but my badge was on a...they were on my BDU pants at home. So...

Q: Ok.

A: But I had my vest with me that had my badge on it, cause we were assigned a wallet badge and a vest badge.

Q: Gotcha'. So, when you would've gone out for shift that next morning, you'd be putting on the vest that has the badge?

A: Correct.

Q: Ok. Have you ever been told by a supervisor that if you're operating your department issued vehicle that you should have your firearm on your side?

A: No, not...

Q: Ok. Just to ask it this way, even though I know you've...you've stated it, did you feel that you had any recourse, or any way to avoid striking the pedestrian?

A: No, ma'am.

Q: When you...you ate the Tequila Grill, right?

A: Yes, ma'am. It's a Mexican restaurant.

Q: Ok. Did Hannah eat there with you?

A: Yes, ma'am.

Q: Ok. Did you consume alcohol at the Tequila Grill?

A: Yes, ma'am.

Q: Do you recall what?

A: It was one beer.

STATEMENT OF JEFFERY RACER

Q: Ok.

A: And it was like a mixed with...it was like...like...they call it Michelada. It's pretty much a Bloody Mary like the nonalcoholic mixture of the Bloody Mary...

Q: Yeah.

A: They mix it with a half of a beer.

Q: Ok.

A: So, it may not even been a full one.

Q: Ok. Do you remember if Hannah drank any alcohol?

A: Yeah, I think she... Yeah, I think she had like one margarita, maybe. Don't quote me on that, but...

Q: Maybe? Ok. How long do you think you guys were at the Tequila Grill?

A: Oh, a couple hours.

Q: As in like two?

A: Yeah, cause they closed at nine or ten, and... Yeah, I would say no more than two hours.

Q: Ok. At the time of the accident did you have a cell phone with you?

A: Like on my person?

Q: Yes.

A: Yes, ma'am.

Q: Ok. Do you recall if you were on that phone at the time of the accident?

A: No. I put it on...in the cruiser I have like a certain spot... In that cruiser like I lean it on...up against the...the control panel of my radio...

STATEMENT OF JEFFERY RACER

Q: Uh-huh.

A: ...and like the buttons for the dash, or the air and...

Q: Uh-huh.

A: ...stuff like that. I leaned it right there, and that's where it normally stayed.

Q: Ok. So, you don't...were you using that device in any manner at the time of the accident?

A: No, ma'am.

Q: Or a few seconds prior?

A: No.

Q: Ok.

A: I don't even think we were listening to music cause I don't listen to music when I'm on shift.

Q: You were listening to music?

A: I don't listen to music.

Q: You were not even listening to music.

A: Correct.

Q: Ok. Do you feel that you were distracted in any way...

A: Huh-uh.

Q: ...at the time of the accident, or just prior?

A: No, ma'am.

Q: Ok. Have you and Hannah had the opportunity to discuss the accident after it...after the incident?

A: Yes, ma'am.

STATEMENT OF JEFFERY RACER

Q: What has she had to say about it?

A: She's obviously upset and distraught. She's never went through something like that.

Q: Uh-huh.

A: Neither have I. So, it's affected her and, you know, she's seeking counseling, and I'm seeking counseling. And we...we've now split up.

Q: Yeah.

A: Working on my marriage and getting back with my wife, so that...I don't speak to Hannah anymore.

Q: Ok. Do you...did Hannah ever state that she felt the accident could've been avoided?

A: No, ma'am.

Q: Ok. I tell you what, I think...I think I'm almost done. I do have a video to show ya'.

A: Ok.

Q: And it's from an officer's body cam.

A: Ok.

Q: So, it shows you speaking to the officer. You can clearly understand the first few words, but there's something that you say that it's just inaudible. I don't know what you're...what you said.

A: Ok.

Q: So, I was gonna' play it for ya'. You're welcome to come around here.

A: Ok.

STATEMENT OF JEFFERY RACER

Q: Play it for ya', and just see if you might remember what you said.

A: Ok. Do you know what officer it was? Was it like through...is it HPD or state police?

Q: Huntington...this is going to...well, you're gonna' see state police as well.

A: Ok.

Q: But this is a Huntington PD body cam.

A: Ok.

Q: But you will see troopers too. And this...

A: That's me right there.

Q: This is you.

A: Yes, ma'am.

Q: In the red shirt, correct?

A: Yes, ma'am.

Q: Ok. I think it's like a...

A: It's a flannel.

Q: ...a flannel.

A: Yes, ma'am.

Q: Ok. ...(video/audio playing)... So, whose voice is that?

A: That is Patrolman Bradley. I went to the academy with him.

Q: Ok. ...(video/audio playing)... I'm gonna' stop it here just so that I can remember to ask. Looks like you have a black eye. What's the black eye from?

STATEMENT OF JEFFERY RACER

A: So, December the 10th I got into an altercation at a...a local bar where I ended up getting jumped by five men, by myself. So, they beat me up pretty bad. Ended up with two fractures in my nose, a fracture...

Q: Wow.

A: ...eye socket and a brain bleed.

Q: Good grief. Ok. I assume the department is aware of that incident.

A: Yes, ma'am.

Q: Ok. Alright, so, and then here's a trooper.

A: Yes.

Q: Do you recognize him?

A: Yeah, that's Trooper Johnson. I went to basic academy with him.

Q: Ok. That's where I don't know what you say. I have to turn up and give you the best... I just let it...(inaudible)...back. ...(audio/video playing)...

A: That's Trooper Adkins.

Q: Ok. Ok, so, I'll go back and get to where you can't understand what you say. ...(audio/video playing)... Do you have any idea what you were saying there?

A: I think I said I was f'ing to go get gas. Sorry, I don't cuss when I work, but...

Q: No, you're fine.

A: I have no idea.

Q: Ok. Do you remember telling either Officer Bradley or Trooper...is it Johnson or Johnston? And I had his name, but I can't remember which it is.

A: It's Johnson.

STATEMENT OF JEFFERY RACER

Q: Johnson.

A: Without a T. Yeah.

Q: Ok. Do you remember telling either of them that you may have been going too fast?

A: Not that I recall. I don't remember. I mean if it's on there then obviously I did. But I don't recall.

Q: Ok.

A: I mean...

Q: But you don't remember what that was that you lowered your voice to say to them?

A: No idea.

Q: Ok. Alright. Do you wanna' watch it again or are you good?

A: No, I don't relive...

Q: Got it.

A: ...it as much as...

Q: Ok. Is there anything else that you feel that we should discuss while you're here?

A: No, ma'am. I mean...

Q: Ok. And the only passenger in your car was Hannah Giommarino?

A: That's all.

STATEMENT OF JEFFERY RACER

Q: Ok. I can't think of any...anything else to ask ya' about. Let me go ahead and turn these recorders off.

THE TIME NOW IS 10:39 A.M..

DEPUTY JEFFERY RACER

WITNESS: _____

ajk

03/10/2023

CONFIDENTIAL

DATE: MARCH 6, 2023
TIME: 10:44 A.M.

STATEMENT OF DEPUTY JEFFERY RACER

THIS IS DETECTIVE PILE WITH THE KANAWHA COUNTY SHERIFF'S OFFICE. I'M CURRENTLY WITH DEPUTY RACER WITH CABELL COUNTY SHERIFF'S OFFICE. I'M JUST RESUMING THE RECORDINGS WITH JUST A COUPLE OF FOLLOW-UP QUESTIONS FOR THE INTERNAL INVESTIGATION.

Q: At the time of the accident, were you taking any medications?

A: No, ma'am.

Q: Ok. No prescribed medications?

A: No, cause I was off... I wasn't taking my medicine that was supposed to be like prescribed, like my Paxil. I was...I was prescribed the Paxil, but I hadn't been taking it for a couple weeks.

Q: Ok. And what is Paxil prescribed for?

A: It's for anti-depression and anxiety. Mood stabilizer.

Q: Ok. Any other medications, maybe...you know, even over the counter, that you had taken that day or...

A: I take like a One A Day vitamin pill, but that's it.

Q: Ok. How come you hadn't been taking your Paxil?

A: I just...cause it didn't work. I'm...I'm off of it now. I'm on a different...

Q: Ok.

A: ...medicine now.

STATEMENT OF DEPUTY JEFFERY RACER

Q: Ok. Have you taken any illicit illegal drugs at the time of the accident?

A: No.

Q: On that day?

A: No, ma'am.

Q: Any in the days prior?

A: No, ma'am.

Q: Ok. In case there's some follow-up questions, would it be Ok to reach back out to ya' and meet with you again just to cover the follow-up questions?

A: Yes, ma'am.

Q: Ok. If...I guess if it's deemed necessary, we would potentially offer you a polygraph down the road. I don't know that that's ever gonna' be necessary. And just to clarify too, were you...did you feel that you were distracted in any way by anything Hannah may have been doing to you or...

A: No. No.

Q: ...anything like that...

A: No.

Q: ...at the time of the crash?

A: No.

Q: Ok. And what were you two doing at the time of the crash?

A: I was headed to go get fuel?

Q: Ok. Right...right. But I mean as far as in the vehicle, what are you two doing?

A: Oh, we were just talking.

STATEMENT OF DEPUTY JEFFERY RACER

Q: Ok. Alright. I know you said it. I just wanted to...

A: Right.

Q: ...to clarify. Do you have any questions for me?

A: No.

Q: Alright.

**I'M GONNA' GO AHEAD AND STOP THE RECORDING. IT'S
10:47 A.M..**

DEPUTY JEFFERY RACER

WITNESS: _____

ajk

03/10/2023